

REMARKS

STATUS OF CLAIMS

Claims 1-9 are pending.

The Examiner maintains from the previous Office Action the rejection of pending claims 1-9 under 35 USC 103(a) as being unpatentable over Ross (US Patent No. 5,553,139) in view of Hasebe (US Patent No. 5,392,351).

New claim 10 is added, and, thus, claims 1-10 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment. The foregoing rejections are hereby traversed.

ADVISORY ACTION, ROSS & HASEBE

In response to the Advisory Action of February 2, 2004, in which the Examiner did not enter the Substitute Amendment After Final filed January 7, 2004, because the claim amendments do not place the claims in better form for appeal by materially reducing or simplifying the issues for appeal, the Applicants do not agree with the Examiner as follows. The claim amendments expressly define devolution and therefore do place the application in better form for appeal by materially reducing or simplifying the issues for appeal, because one of the issues is whether devolution is a simple transfer from one to another. In the claimed invention, devolution involves a degenerative license transfer.

Further, in the Advisory Action Continuation Sheet the Examiner asserts that a disabling procedure of Ross is same as degeneration. However, this characterization is unreasonable in the context of the recitation of the claims and the ordinary meanings of the terms "disabling" and "degenerating." Disabling suggests making incapable or ineffective, which differs from degenerating suggesting reducing, or weakening, which can be, for example, license reducing based upon the license passing down.

In particular, the present invention's license degeneration is part of devolution and the claims clearly recite, "passing down the first license information of the first storage medium to the second storage medium as a successor of the first storage medium and degenerating the first license information in the first storage medium." Even under the broadest interpretation, it would be unreasonable to characterize Ross's license disabling and then delivery down the distribution chain to be same as the present invention's "passing down ... to the second storage

medium as a successor of the first storage medium and degenerating the first license information ... in the first storage medium," because Ross disables, delivers, and enables whereas the present invention delivers a secure license from the first storage medium to the target second storage medium using the target second storage medium ID and degenerates the license in the first storage medium.

Ross does not even involve the present invention's license devolution using two storage mediums of the transferor and the transferee and their respective media IDs as part of license passing down and license degeneration of the transferor based upon the passing down. Ross simply discloses disabling and enabling licenses in the distribution chain.

Regarding degeneration, Ross does not degenerate a license of the transferor based upon the devolving when the transferor's license is devolved to the transferee. Ross in column 5, lines 13-24 discloses disabling a number of licenses in a set and providing a license inventory extraction database to an extractor (e.g., reseller or manufacturer). Then, the extractor can extract the licenses using enabling keys. However, this differs from the present invention, which provides, "a second right to use the contents devolved from the first license information stored on the first storage medium by passing down the first license information of the first storage medium to the second storage medium as a successor of the first storage medium and degenerating the first license information in the first storage medium." In other words, Ross is not performing any type of degeneration, but Ross disables by encrypting, transfers, and provides enabling keys so that the transferee can extract the disabled licenses at the transferee.

Regarding use of media IDs, Ross does not contemplate using transferee storage medium information to protect the transferred license. In other words, Ross does not use any transferee storage medium information to disable a license (see column 4, lines 30-67, in which the extractor's password is used to encrypt the license but not the media ID of the extractor). The distribution in Ross does not disclose using the transferee's media ID to protect the license (column 6, line 40 to column 7, line 20). There would be no motivation to combine Ross with Hasebe, because the distribution technique of Ross relies on providing enabler keys based upon the desired license and not using media IDs. As far as Ross disclosing using a serial number to disable a license, there is no suggestion in Ross to use media IDs, because the serial number used in Ross is the software/product serial number and not the media ID (column 7, lines 23-56).

Therefore, Ross is not performing the present invention's devolution using two storage

mediums of the transferor and the transferee and their respective media IDs as part of the license passing down and license degeneration of the transferor. Not anywhere in Ross is there a description regarding using media ID of the target storage medium to protect the received license, because Ross only discloses using the extractor's password to encrypt the license, Ross does not contemplate using a media ID of the target storage medium as an enabler key, and Ross discloses using a product serial number in the enabler key, but a serial number of the product differs from a media ID. Further, in Ross, column 4, lines 25-27, disclose that the enabled license is copied to a secure directory of a computer system on which the license is to be used, but there is no discussion on how the directory is secure.

The claimed invention is drawn to devolution using two storage mediums of the transferor and the transferee and their respective media IDs as part of license passing down and license degeneration of the transferor.

DEPENDENT CLAIMS 7 AND NEW INDEPENDENT CLAIM 10

Dependent claim 7 and new independent claim 10 recite another configuration of the present invention, in which the license devolution apparatus is configured as a composite storage unit in an apparatus, such as a computer, to devolve a license from the first storage medium to the second storage medium, as shown in FIG. 1. Clearly dependent claim 7 and new independent claim 10 recite allowable features, because Ross does not relate to, or disclose or suggest, "a composite storage unit." Support for the claims can be found, for example, on page 24, lines 22-23 of the present Application.

In contrast to Ross and Hasebe, the claimed invention as recited in new independent claim 10, provides:

10. (NEW) A license devolution computer, comprising:
a composite storage unit comprising a first storage unit, a second storage unit, and a composite storage access unit ...

...

a devolving unit reading the second storage ID and devolving the right to use the contents of the first storage unit to the second storage unit by generating a second license information, which represents a second right to use the contents devolved from the first license information stored on the first storage unit by passing down the first license information of the first storage medium to the second storage medium as a successor of the first storage medium and reducing the first license information in the first storage medium according to the passing down ...

The Examiner does not provide a rationale for rejecting the present invention's license devolution apparatus configured as a composite storage unit (see, pages 7-8 of the previous Office Action). Clearly, Ross and Hasebe do not disclose a composite storage unit, which performs license devolution using the composite unit's first and second storage mediums. Clearly, therefore, dependent claim 7 and independent claim 10 are allowable.


CONCLUSION

In view of the claim amendments and the remarks, withdrawal of the rejections of claims 1-9, and allowance of claim 1-10 is respectfully requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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